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EXAMINER
HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/043,077	FLICK, KENNETH E.	
	Examiner	Art Unit	
	Edwin C. Holloway, III	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *18,19,21,23,30,32,39-45,57,59 and 64-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18,19,21,23,30,32,39-45,57,59 and 64-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

EXAMINER'S RESPONSE

1. Applicant's submission filed on 2-16-2009 has been entered. Claims 18-19, 21, 23, 30, 32, 39-45, 57, 59, 64-67 are pending. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's position that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - Res Judicata

2. *Claims* 18-19, 21, 23, 30, 32, 39-45, 57, 59, 64-67 *are rejected under res judicata because the claims directed to the same subject matter as affirmed in the Decision on Appeal decided 7 March 2008 and mailed 11 March 2008 (Appeal 2007-3651).*

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. *Claims 18, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US 6,100,792) in view of Flick (US 5,986,571) and further in view of Flick (US 6,011,460*

Referring to claim 18, Ogino's vehicle, as shown in Fig. 1, comprises (a) bus line 6 extending from one location within a vehicle to another location (see Col. 5, lines 19-29); (b) a plurality of vehicle devices, e.g., head unit 1, CD changer 2, car security unit 10, etc. (see Col. 5, lines 19-29); and (c) head unit 1's a liquid crystal display (LCD) 1*a* (i.e., vehicle indicator) spaced apart from CD changer 2 and car security unit 10 and connected to bus line 6, wherein LCD 1*a* displays a 24-character message (see Col. 5, lines 3-8). Ogino's vehicle security system, as shown in Fig. 3, comprises (a) a two-way

remote unit 11 (i.e., a portable uniquely coded transmitter) (see Col. 5, lines 37-46 and 51-58; and Col. 16, lines 19-24); (b) vehicle transceiver 12 having a receiver for receiving signals from at least one remote unit 11 (see Col. 5, lines 51-54); and (c) controller 17 spaced apart from head unit 1 (i.e., at least one vehicle device) and cooperating with transceiver 12 and bus 6 (see Col. 5, lines 62-67 and Col. 16, lines 36-44 and 52-64). Per Ogino, car security unit 10's controller 17 performs several functions: (1) communicates with CD changer 2 and head unit 1 via bus 6 (see Col. 5, lines 19-29; and Col. 16, lines 36-44 and 52-64); (2) switches to an ID code learning mode and learns at least one remote unit 11 to permit control of a vehicle function by a user (see Col. 16, lines 19-39); and (3) communicates with head unit 1, via bus 6 to cause LCD 1*a* to display "CODE ACCEPTED" when a new ID code has been registered/learned (see Col. 5, lines 19-29 and Col. 16, lines 52-62). Ogino, however, fails to teach controller 17 causing an indication of a number of learned remote units 11.

In an analogous art, Flick'571 teaches a building security system 10, as shown in Fig. 3, comprising (a) remote transmitters 50 and (b) building security controller 11. Per Flick, building security controller 11 includes a transmitter and receiver 13 for receiving signals from remote transmitter 50 (see Col. 3, lines 46–50) and a central processing unit (CPU) 12 for communicating with building sensor 20, alarm indicators 23, and system indicators 24 (see Figs. 1 and 3; Col. 3, lines 61-67; and Col. 4, lines 39–47). Flick's CPU 12 has a remote transmitter learning means 47 for learning a remote transmitter 50 that is to switch building security controller 11 between armed and disarmed modes (see

Col. 4, lines 39–42). Flick discloses that system indicators 24 include lights, audible tone generators, etc. (see Col. 4, lines 8–10 and Col. 5, lines 21-34) and are actuated by CPU 12 for: (1) indicating that building security controller 11 has entered a learning mode (see Col. 4, lines 63–56); (2) indicating when the learning mode was last entered (see Col. 5, lines 1-3); (3) progressively indicating a passage of time since the learning mode was last entered (see Col. 5, lines 3-5); (4) indicating the number of learned remote transmitters (see Col. 5, lines 21-26 and 48-51); (5) indicating a change in the number of learned remote transmitters (see Col. 5, lines 51-53); and (6) indicating a change in a code of at least one of the learned remote transmitters (see Col. 5, lines 51-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogino's controller 17 as taught by Flick'571 because having a controller 17 that is able to cause an indication of a number of learned remote units 11 prevents unauthorized remote transmitters from being surreptitiously learned by controller 17 (see Flick, Col. 5, lines 26-30 and Col. 7, lines 43-47).

Further regarding claim 18 and regarding 21, Ogino teaches that LCD 1*a* is on the instrument panel of head unit 1, which contains a variety of operation keys for operating an FM/AM tuner, a cassette player, and CD changer 2, wherein the FM/AM tuner and the cassette player are built into head unit 1 (see Col. 5, lines 3-11). Ogino and Flick '571 are silent on controller 17 being connected to (1) door sensor 24, bonnet sensor 25, radar sensor 26, impact sensor 27, and glass break sensor 28 (i.e., vehicle sensors, as called for in claim 21) and (2) siren driver 22 (i.e., a vehicle alarm indicator, as called for in claim

22) via a bus.

In an analogous art, Flick '460 teaches a vehicle security system, see Figs. 1-3, comprising: (a) remote transmitter 50 (see Col. 5, lines 32-58); (b) transmitter and receiver 13 at the vehicle for receiving signals from remote transmitter 50 (see Col. 4, lines 51-54); (c) data communications bus 62 that extends through various locations of the vehicle (see Col. 5, lines 11-31 and Col. 6, lines 24-30 and 50-58); (d) a plurality of vehicle devices (e.g., vehicle security sensor 60, alarm indicator 64, lock control unit 41, ignition switch 20, other control nodes 66, etc.) connected to bus 62 (see Col. 6, lines 1-9 and 50-58); and (e) central processing unit (CPU) 65 and bus interface 65 that is spaced apart from the vehicle devices for communicating with the vehicle devices via bus 62 (see Col. 6, lines 18-23). The alarm indicator includes a siren and/or lights 31 and green and red LEDs 32,33 for dashboard mounting (col. 5 lines 15-18). A dashboard is an instrument panel.

Therefore, regarding claims 18 and 21, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogino's controller 17, as modified by Flick '571, such that it is connected to the vehicle devices (such as starter cutting relay 21, headlight driver 23, sensors 23-28, dashboard mounted alarm indicator(s) and door lock module 34) via a bus as taught by as taught by Flick '460 because connecting vehicle devices directly to a data bus that extends throughout a vehicle reduces (1) the amount of wiring, (2) wire routing problems, and (3)

complications that may arise when troubleshooting the electrical system (see Flick '460, Col. 1, lines 65-67 and Col. 2, lines 1-3).

Regarding claim 19, Ogino's vehicle indicator is LCD 1*a* (i.e., a visual display). Also, Flick '460 includes siren, light or LED alarm indicators (audible and/or visual).

Regarding claim 23, Ogino teaches that controller 17 communicates with head unit 1 via bus 6, as explained in the previous rejections of claims 1 and 46. Head unit 1 is a controllable vehicle device since its built-in FM/AM tuner and cassette player are controlled by a variety of operation keys and its LCD 1*a* is controlled by at least controller 17.

5. *Claims 18, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US 6,100,792) in view of Flick (US 5,986,571) and Flick (US 6,011,460) as applied above and further in view of Allen (US 5654688).*

Regarding claims 18, 19, 21 and 32, further evidence that it would have been obvious to communicate information that a new transmitter has been learned by controlling dashboards lights as disclosed in Flick '460, the examiner applies Allen for teaching that is obvious to flash dashboard lights in a manner to indicate the number of codes leaned to assure the user that the codes have not been learned. See the abstract.

6. *Claims 30,32,39, 42, 43, 45,57,59 and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. (US 6,271,745) in view of Flick (US 6,011,460).*

Referring to claims 30, 45, and 57, Anzai teaches a vehicle control system, as shown in Fig.1, comprising: (a) fingerprint sensors 11, 13, 15, and 39 for sensing a user's fingerprint (see Fig. 9, steps S89 and S91; and Col. 4, lines 24-28 and 44-45), as called

for in claims 30, 45, and 57; (b) control unit 1 connected to sensors 11, 13, 15, and 39 (see Col. 4, lines 30-39), as called for in claims 30 and 57; and (c) a plurality of vehicle devices, such as dashboard unit 3, ignition switch status unit 5, lock unit 7, and engine immobilizer unit 9, as called for in claims 30 and 57. Per Anzai, control unit 1 performs the following steps: (1) communicates with the components of dashboard unit 3, ignition switch status unit 5, lock unit 7, and engine immobilizer unit 9 (see Figs. 5-9; Col. 4, lines 40-45 and 56-67; Col. 5, lines 1-19; and Col. 6, lines 25-60), as called for in claims 30 and 57; (2) enrolls or learns fingerprints of various users (see Col. 6, lines 64-66), as called for in claims 30 and 57; and (3) indicates that a new fingerprint has been learned by asking for confirmation of the enrollee via display unit 41 (see Col. 7, lines 58-67), as called for in claims 30 and 57. Anzai's control unit 1 is spaced apart from the vehicle devices as shown in Fig. 1 as called for in claims 30 and 57. Anzai's vehicle control system, though, lacks (1) a data bus extending throughout the vehicle, wherein the data bus connects control unit 1 to the vehicle devices, as required in claims 30 and 57, and (2) a vehicle alarm indicator, as required in claims 35 and 62. Anzai discloses that control unit 1 communicates with ignition switch status unit 5, which includes sensors 49, 51, and 53 (see Col. 4, lines 56-67), and lock unit 7, which includes sensor 67 (see Col. 5, lines 1-2 and 9-10). Anzai teaches that control unit 1 communicates with controllable vehicle devices, such as lock unit 7 and engine immobilizer unit 9.

In an analogous art, as previously explained in the rejection of claim18, Flick discloses that (1) data communications bus 62 extends throughout the vehicle (see Col. 5,

lines 11-31 and Col. 6, lines 24-30 and 50-58) and that (2) vehicle security sensor 60, alarm indicator 64, and other control nodes 66 are connected to data bus 62 (see Col. 6, lines 1-9 and 50-58 and Col. 7, lines 59 - 67). The alarm indicator includes a siren and/or lights 31 and green and red LEDs 32,33 for dashboard mounting (col. 5 lines 15-18). A dashboard is an instrument panel.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle security system of Anzai as taught by Flick because connecting vehicle devices directly to a data bus that extends throughout a vehicle reduces (1) the amount of wiring, (2) wire routing problems, and (3) complications that may arise when troubleshooting the electrical system (see Flick, Col. 1, lines 65-67 and Col. 2, lines 1-3). Furthermore, a vehicle alarm indicator thwarts theft by actuating a siren and lights and LEDs for dashboard mounting when unauthorized access is detected (see Flick, Col. 7, lines 59-67), thereby enhancing vehicle security. Further, Anzai's display unit 41 is within dashboard unit 3, which is an instrument panel (see Fig.3 and Col. 4, lines 40-50).

Regarding claims 32 and 59, Anzai's dashboard unit 3 has a display unit 41 (i.e., "vehicle indicator") that is used by control unit 1 to indicate that a fingerprint has been scanned and recorded by prompting the owner for confirmation of an enrollee (see Col. 7, lines 62-67).

Regarding claims 39 and 64, Anzai teaches that a user is able to place control unit

1 in various modes via switches 43*a* and 43*b* on dashboard unit 3 (see Col. 6, lines 61-67 and Col. 7, lines 1-4). When a user selects the menu mode, control unit 1 enables the user to enroll additional users, view or deleted enrollees, and set up the system (see Fig. 4). When a user selects the enroll mode (see Fig. 8, steps S55 and S57), the display changes and prompts the user for the category of authorization (i.e., owner, driver, and non-drive) (see Col. 7, lines 42-45); hence the display of authorization categories is an indication that the learning mode has been entered.

Regarding claims 42, 43, 65, and 66, per Anzai, when the view/delete mode is selected via dashboard unit 3, display unit 41 provides a list of the initials and category of authorization for each enrollee (see Col. 8, lines 1-7); as shown at step S101 in Fig. 10, the record for the eighth enrollee of the twelve enrollees is displayed (as called for in claims 42 and 65). Consequently, each time an enrollee is added or deleted, the list indicates the change in the number of learned individuals (as called for in claims 43 and 66).

7. *Claims 40, 41, 44, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. (US 6,271,745) in view of Flick (US 6,011,460) as applied to claims 30 and 57 above, and further in view of further in view of Flick (US 5,986,571).*

Regarding claims 40, 41, 44, and 67, Anzai and Flick '460 are silent on control unit 1 causing the following: (1) an indication of when the last learning mode was entered (as called for in claim 40); (2) an indication for progressively indicating a passage of time since the learning mode was last entered (as called for in claim 41); and (3) an indication of a change in a learned unique biometric characteristic (as called for in claims 44 and

67).

In an analogous art, as previously explained in claims 18-23, Flick '571 teaches a building security system 10 comprising (a) remote transmitters 50 and (b) building security controller 11 (see Fig. 3). Per Flick, building security controller 11 includes a transmitter and receiver 13 for receiving signals from remote transmitter 50 (see Col. 3, lines 46-50) and a central processing unit (CPU) 12 for communicating with building sensor 20, alarm indicators 23, and system indicators 24 (see Figs. 1 and 3; Col. 3, lines 61-67; and Col. 4, lines 39-47). Flick '571 discloses that system indicators 24 include lights, audible tone generators, etc. (see Col. 4, lines 8-10 and Col. 5, lines 21 - 34) and are actuated by CPU 12 for: (1) indicating when the learning mode was last entered (see Col. 5, lines 1-3); (2) progressively indicating a passage of time since the learning mode was last entered (see Col. 5, lines 3-5); and (3) indicating a change in a code of a learned remote transmitter (see Col. 5, lines 51-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify control unit 1 of Anzai and Flick '460 as taught by Flick '571 because having a control module 30 that is able to cause the various indications listed above (1) ensures a user that only the coded remote transmitters under his/her control may operate the vehicle security system, (2) prevents unauthorized remote transmitters from being surreptitiously learned by control module 30, and (3) enables a user to determine how recently the learn mode or biometric code change has occurred so

that the user is able to correlate the change with someone's ability to access the system (see Flick '571, Col. 5, lines 26-30 and Col. 7, lines 43-47).

8. *Claims 30,32,39-45,57,59 and 64-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anzai et al. (US 6,271,745) and Flick (US 6,011,460) in view of Flick (US 5,986,571) as applied above and further in view of Allen (US 5654688).*

Regarding claims *30,32,39-45,57,59 and 64-67* further evidence that it would have been obvious to communicate information that a new transmitter has been learned by controlling dashboards lights as disclosed in Flick '460, the examiner applies Allen for teaching that is obvious to flash dashboard lights in a manner to indicate the number of codes leaned to assure the user that the codes have not been learned. See the abstract.

Response to Arguments

9. Applicant's arguments filed 2-16-2009 have been fully considered but they are not persuasive.

Regarding claim 18, Applicant argues that Ogino et al., Flick '571, and Flick '460 each fail to disclose an instrument panel carrying a vehicle alarm indicator and using the vehicle alarm indicator to cause an indication of a number of learned uniquely coded transmitters. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, Flick '571 discloses an indictor indicating of a number of learned uniquely

coded transmitters to "alert" the user that learning mode has been recently entered (col. 5 lines 48-63). Since this indicator indicates an alert or alarm condition, it would have been obvious to have called it an alarm indicator. Flick '571 refers to the related area of vehicle security systems (col. 9 lines 26-36), and an instrument panel would have been an obvious location in a vehicle for such an alarm indicator in view of the display on the head end panel of Ogino and/or the dashboard mount alarm indication in Flick '460.

Applicant states that in the alternative argument the Examiner correctly acknowledges the deficiency in Ogino, Flick '571, and Flick '460 and looks to Allen. The Examiner disagrees. The Examiner did NOT make any such acknowledgement in the prior Office action. The Allen patent was already incorporated by reference in the Flick '571 patent and the alternative rejection was added to make it clear that the Allen patent was in evidence if applicant appealed.

Applicant argues that none of these references teaches the complete claimed recitation of: an instrument panel carrying the vehicle alarm indicator and communicating with the vehicle alarm indicator via said data communications bus to cause an indication of whether at least one new uniquely coded transmitter has been learned, and causing the vehicle alarm indicator to generate an indication of a number of learned uniquely coded transmitters. This argument is not persuasive for the same reasons discussed in the previous paragraph and because bus to cause alarm indication would have been obvious in view of the vehicle instrument panel / dashboard alarm indication in response to bus communication in Ogino (col. 5 line 62 - col. 6 line 4) and/or Flick '571 (col. 9 lines 11-

32).

Applicant argues that the person of ordinary skill in the art would be taught away from injecting the dashboard light indication feature of Allen into the combination of Ogino, Flick '571 and Flick '460 because Allen discloses hard-wired connections rather than the data communications bus of Flick '460. This argument is not persuasive because Allen is expressly incorporated by reference in Flick '571 and would have been incorporated in the combination of Ogino and Flick '571 previously stated to be proper by the Board of Patent Appeals and Interferences. Mounting in the obvious location of the instrument panel / dashboard does not in any way teach away from bus communication because Ogino and Flick '460 teach bus communication to instrument panel / dashboard indicators as discussed above. Applicant argues that, although Ogino discloses a bus interface, most of the alarm system components, for example, the transceiver and the sensors, are hard-wired into the controller. This argument is not persuasive because the claims only specify the controller communicating with the indicator via the bus and Ogino discloses controller of 17 of security unit 10 communicating to head end 1 via bus 6a (fig. 1, col. 5 lines 19-29, col. 11 lines 21-28 and col. 16 lines 38-44). Further, communication between controller and vehicle alarm indicator over the bus is disclosed in Flick '460. The argument that the person of ordinary skill in the art would be taught away from combining yet another car alarm feature into the building alarm features of Flick '571 is not persuasive because it is Flick '571 teaches toward such car alarm features by expressly incorporating by reference the disclosure of Allen for the express purpose of

disclosing vehicle security systems and aspects thereof.

The argument that the 4-way combination is an unjustified extension 2 way combination affirmed by the Board Decision is not persuasive because the Allen patent was incorporate by reference in Flick '571 and would have been encompassed by the two way combination affirmed by the BPAI. Further, Flick '460 was added to the 2 way combination to reject the limitation of communicating over the bus to the alarm indicator of dependent claims 20 and 22 in the prior the examiner's answer. Since all prior the rejections were affirmed by the BPAI, the current rejections are also proper. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Applicant argues that the examiner is improperly piecing together bits and pieces of Applicant's own prior art. This argument is not persuasive because to select features from the prior art to effect results expected from these features is within the purview of 35 USC 103. In re Skoner, 186 USPQ 80 (CCPA 1975).

Regarding claims 30 and 57, Applicant argues neither Anzai nor Flick '460 discloses an instrument panel carrying the vehicle alarm indicator and communicating with the vehicle alarm indicator via the vehicle data communications bus to cause an indication of whether at least one new unique biometric characteristic has been learned, so that the 2-way combination of Anzai et al. and Flick '460 fails to disclose each and

every feature of independent Claims 30 and 57. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, Anzai discloses a dashboard unit that indicates that a new fingerprint has been learned and communication over bus to a dashboard mounted alarm indictor would have been obvious in view of Flick '460. Calling the indicator of Anzai an alarm indicator would have been obvious since dashboard display of Anzai alerts the user of authentication system condition/status such as indication that a user in not authorized (col. 6 lines 57-60) that is considered to be an alarm condition and because Flick'460 discloses such a display indicator being calling an alarm indicator.

Applicant argues that in the alternative argument, the Examiner correctly acknowledges that both Anzai and Flick '460 fail to disclose an instrument panel carrying the vehicle alarm indicator and communicating with the vehicle alarm indicator via the vehicle data communications bus to cause an indication of whether at least one new unique biometric characteristic has been learned, as recited by independent Claims 30 and 57 and looks to Allen for this deficiency. The Examiner disagrees. The Examiner did NOT make any such acknowledgement in the prior Office action. Flick '571 was combined with Anzai and Flick '460 in prior rejections affirmed by the BPAI. The Allen patent was already incorporated by reference in the Flick '571 patent and the alternative

rejection was added to make it clear that the Allen patent was in evidence if applicant appealed.

Applicant argues that, for substantially the same reasons set forth above in Section A above, that the Examiner's proposed 4-way combination of prior art (Anzai, Flick '460, Flick '571 and Allen) is improper. The examiner disagrees for substantially the same reasons applied above by the examiner. The argument that Allen disclose hard-wired connections for the controller versus the data communications bus of Flick '460 is not persuasive because Allen is expressly incorporated by reference in Flick '571 and would have been incorporated in the combination of Anzai, Flick'460 and Flick '571 previously stated to be proper by the Board of Patent Appeals and Interferences. The argument claims 30 and 57 are patentable because Flick '571 relates to building security system features is not persuasive because Flick '571 (col. 9 lines 26-36) teaches toward vehicle / car security/ alarm features by referring to the related area of vehicle security systems and expressly incorporating by reference the disclosure of Allen for the express purpose of disclosing vehicle security systems and aspects thereof.

The examiner's response to arguments from the prior action are repeated below:

The argument that Flick '460 lacks a vehicle comprising an instrument panel carrying the vehicle alarm indicator and communicating with the vehicle alarm indicator via the data communications bus to cause an indication of whether at least one new uniquely coded transmitter has been learned is not persuasive because Flick'460 includes dashboard mounted indicators as does Ogino and Anzai. Flick '460 communicates to the

indicators over bus 62. Ogino and Anzai indicate that new code is learned on a panel/dashboard spaced from the controller and communicating this information over a vehicle bus would have been obvious because connecting vehicle devices directly to a data bus that extends throughout a vehicle reduces (1) the amount of wiring, (2) wire routing problems, and (3) complications that may arise when troubleshooting the electrical system (see Flick'460, Col. 1, lines 65-67 and Col. 2, lines 1-3). Allen also discloses an indicator on a vehicle dashboard to indicate that a new code has been learned for the same reasons as in Flick '571. An instrument panel provides indication to alert the driver to status of the vehicle and as such would be the natural location of an alarm indicator. Further an alarm indicator is an instrument to indicate alarm status and would obviously be located in some structure or panel that would be considered an instrument panel.

In the prior Final Action, the Examiner asserts that Ogino's seventh embodiment (see Col. 16, lines 14-67 and Col. 17, lines 1-17), which includes the features of the first and fourth embodiments, teaches all the limitations of claim 18 except controller 17 causing an indication of a number of learned remote units 11. The seventh embodiment includes an ID write mode that enables a user to register a plurality of remote units 11 in car security unit 10, which then transmits a message to head unit 1 via a bus line indicating that an ID code has been registered and causes head unit 1 to display a message (e.g., "CODE ACCEPTED") on display 1*a* (see Col. 16, lines 19-24 and 52-64). Instead of displaying a message, such as "CODE ACCEPTED," Flick '571 teaches

displaying the number of remote transmitters that have been learned (see Col. 5, lines 21-26 and 48-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ogino's controller 17 as taught by Flick '571 because having a controller 17 that causes an indication of a number of learned remote units 11 enables a user to confirm that only the remote units 11 under his/her control may operate car security unit 1, thereby preventing unauthorized remote units 11 from being learned by controller 17 (see Flick, Col. 5, lines 26-30 and Col. 7, lines 43-47).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached on (571) 272-3059.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/23/2009 /Edwin C. Holloway, III/
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